

# Exhibit A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PETER FISCHER,	)	
<i>individually and on behalf of all others</i>	)	
<i>similarly situated,</i>	)	No. 4:21-cv-02582-SEP
	)	
Plaintiffs,	)	This Document Applies To:
	)	21-cv-00583
v.	)	21-cv-00706
	)	21-cv-00709
CONOPCO, INC., d/b/a “UNILEVER,”	)	21-cv-00710
DOES 1 through 10,	)	21-cv-00781
	)	21-cv-00782
Defendants.	)	21-cv-00888
	)	21-cv-00892

**DECLARATION OF KARTIKAY SAHAY**

1. My name is Kartikay Sahay. I am more than twenty-one years of age and am competent to make this declaration. This declaration is based upon my personal knowledge and I could and would testify competently hereto if called as a witness in this matter.

2. I am Senior Manager II for Product Management at Walmart Inc. (hereinafter “Walmart”). My job responsibilities involve, among other things, leading the team responsible for the checkout process on the Walmart mobile application (hereinafter the “Walmart App”) and Walmart.com (hereinafter the “Walmart Site”).

3. To purchase an item through the Walmart App or the Walmart Site, a customer must generally complete a checkout process (hereinafter “Check Out Process”) to complete the order.

4. During the Check Out Process, the customer is eventually presented with a page that contains, among other things, a list of the items the customer has in the shopping cart and an

estimated total for the order. To proceed with the order, the customer must click a button that says “Continue to Checkout.”

5. After clicking “Continue to Checkout,” the customer is taken through the final step of the Check Out Process. The customer is presented with a series of information fields concerning delivery or pickup options, payment method, and a summary of other order details, including subtotal and any delivery charges, taxes, or fees. The customer is presented with the following sentence: “By placing this order, you agree to our [Privacy Policy](#) and [Terms of Use](#).” (hereinafter the “Acknowledgment Language”). The words “[Privacy Policy](#)” and “[Terms of Use](#)” within the Acknowledgment Language are hyperlinks to Walmart’s Privacy Policy and Walmart’s Terms of Use. If a customer clicks on the words “[Privacy Policy](#)” or “[Terms of Use](#),” the customer will be taken to Walmart’s Privacy Policy or Terms of Use, respectively.

6. To complete the order, the customer must click a blue “Place Order” button. The customer cannot complete the order without clicking the “Place Order” button. A screenshot of the “Place Order” button and the Acknowledgement Language for a sample order on the Walmart App is set forth below:

By placing this order, you agree to our [Privacy Policy](#) and [Terms of Use](#).

**Place order \$97.56**

A screenshot of the “Place Order” button and the Acknowledgement Language for a sample order on the Walmart Site is set forth below:

**Place order**

By placing this order, you agree to our [Privacy Policy](#) and [Terms of Use](#)

7. Although the Walmart App and Walmart Site may be updated from time to time, the process for completing an order on the Walmart App and Walmart Site by clicking the “Place Order” button and agreeing to the Acknowledgment Language, as described in this declaration, was in a substantially identical format during the period November 2020 through February 2021. Based on my review of Walmart’s records, I understand the Acknowledgment Language was first added to the Check Out Process in 2015.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 22, 2021 | 10:03 PST \_\_\_\_\_, in Santa Clara County, California.



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KARTIKAY SAHAY  
Senior Manager II for Product Management  
Walmart Inc.